



RESOLUTION #3

STANDARD RESOLUTION FOR APPROVAL - NO HARDSHIP INVOLVED

Curry moved that the following Resolution be adopted:

BEFORE THE BOARD OF ADJUSTMENT

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. BOA-21-004

PIXLAR EXISTING GARAGE DIMENSIONAL VARIANCE

WHEREAS, Russel and Brienne Mallery (the "Applicants") have requested a variance from the zoning regulations contained in the El Paso County Land Development Code for property located at 7575 Pinery Circle in the RR-5 (Residential Rural) zoning district, which property is identified by El Paso County Tax Schedule No. 52054-00-007 and is legally described as follows:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPT THE WEST 30 FEET, THE NORTH 30 FEET AND THE SOUTH 30 OF THE EAST 30 FEET THEREOF, EL PASO COUNTY, COLORADO

WHEREAS, the subject property is within the unincorporated area of El Paso County, Colorado; and

WHEREAS, the Applicant has requested to legalize an existing rear setback of 1.34 feet where County regulations require 25 feet for a detached garage. The 9.09-acre property is located north of Pinery Circle, approximately 0.6 miles northeast of the Swan Road and Black Forest Road intersection ;and

WHEREAS, the Board of Adjustment is vested with the power to grant or deny such variances by virtue of Section 5.5.2 of the El Paso County Land Development Code and Sections 30-28-117 and -118, C.R.S.; and

WHEREAS, based on the evidence presented, the Board of Adjustment makes the following findings:

1. Proper notice procedures, including the notification of all adjoining property owners, have been completed by the El Paso County Development Services Department.
2. The variance will permit only those uses specifically enumerated as permitted uses for the zoning district in which the property is located.
3. The burdens of strict compliance with the zoning requirement(s) significantly exceed the benefits of such compliance for the subject property.

4. The variance request includes an alternative plan, standards or conditions that substantially and satisfactorily mitigate the anticipated impacts and serve as a reasonably equivalent substitute for current zoning requirements
5. The variance will not significantly impair the intent and purpose of the zoning regulations.
6. The variance will not cause a substantial detriment to the public good.
7. The variance will conform with all applicable federal, state or other local laws or regulations.

NOW, THEREFORE, BE IT RESOLVED that the request for a variance from the El Paso County zoning regulations as more fully described above is hereby approved:

Additional conditions, notations or restrictions:

Condition

1. The approval applies only to the plans as submitted. Any expansion or additions to the existing detached garage may require separate Board of Adjustment application(s) and approval(s) if the development requirements of the applicable zoning district cannot be met.

Notation

1. The PCD Director may require a survey, certified by a registered surveyor, licensed in the State of Colorado, depicting the improvement in relationship to the lot lines affected to demonstrate compliance with the approval of the administrative relief.

WARNING: Any violation of the terms of this resolution may result in rehearing and possible revocation.

Langlais seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Carlson	aye
Commissioner Wood	aye
Commissioner Palone	aye
Commissioner Curry	aye
Commissioner Langlais	aye

The Resolution was adopted by a vote of 5 to 0 by the Board of Adjustment of the County of El Paso, State of Colorado

DATED: August 11, 2021


Jay Carlson, Chair